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Class Counsel

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE FERRERO LITIGATION

Case No. 3:11-cv-00205-H-CAB

Pleading Type: Class Action

**NOTICE OF MOTION AND JOINT *EX PARTE* APPLICATION
FOR AN ORDER (1) GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT; (2) CONFIRMING
CERTIFICATION OF THE CLASS; (3) APPROVING CLASS
NOTICE PLAN; AND (4) SETTING FINAL APPROVAL
HEARING**

Judge: The Honorable Marilyn L. Huff

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiffs Athena Hohenberg and Laura Rude-Barbato and Defendant Ferrero USA, Inc., will, and hereby do, respectfully jointly apply to the Court for an Order (i) Granting preliminary approval of Class Action Settlement; (ii) Confirming certification of the Class; (iii) Approving Class Notice plan; and (iv) Setting final approval hearing.

This Application is based on this Notice of Motion, Plaintiffs' accompanying Memorandum of Points and Authorities; the accompanying Declaration of Gregory S. Weston ("Weston Decl."); and all other pleadings and papers on file in this action.

DATED: January 19, 2012

Respectfully Submitted,

/s/ Gregory S. Weston
Gregory S. Weston

/s/Dale R. Bish
Dale R. Bish

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